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Attorneys for Plaintiffs BRIAN PAYNE, JESSE SCHWARTZ,  
JOSHUA SURREAT, JASON HARRE, and JACOB FORD

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

BRIAN PAYNE, JESSE SCHWARTZ,  
JOSHUA SURREAT, JASON HARRE, and  
JACOB FORD,

Plaintiffs,  
v.

CITY OF ROHNERT PARK, BRENDAN  
JACY TATUM, JOSEPH HUFFAKER,  
CHRISTOPHER SNYDER, JEFFREY  
TAYLOR, BRIAN MASTERSON and DOES  
1-50, inclusive.

Defendants.

Case No:

**COMPLAINT FOR DAMAGES**

***JURY TRIAL DEMANDED***

1 PLAINTIFFS BRIAN PAYNE, JESSE SCHWARTZ, JOSHUA SURREAT, JASON  
2 HARRE, and JACOB FORD complain of Defendants and alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under 42 U.S.C. § 1983. Jurisdiction is conferred by virtue of 28  
5 U.S.C. §§ 1331 and 1343, and by 18 USC § 1964(c).

6 2. The conduct alleged herein occurred in Sonoma County, State of California.  
7 Venue of this action lies in the United States District Court for the Northern District of California  
8 by virtue of 28 USC § 1391.

9 **PARTIES**

10 3. Defendant City of Rohnert Park is a public entity situated in the County of  
11 Sonoma, State of California and organized under the laws of the State of California.

12 4. Defendants Brendan Jacy Tatum, Joseph Huffaker, and Christopher Snyder were  
13 police officers employed by the Department of Public Safety for the City of Rohnert Park. They  
14 acted in the course and scope of their employment, and under color of state law, at all times  
15 mentioned herein.

16 5. Defendant Jeffrey Taylor was employed as a Commander by the Department of  
17 Public Safety for the City of Rohnert Park. In that capacity, he was responsible for supervising  
18 the activities of the “Interdiction Team” including its most active members, Brendan Jacy Tatum  
19 and Joseph Huffaker. He acted and failed to act in the course and scope of his employment, and  
20 under color of state law, at all times mentioned herein.

21 6. Defendant Brian Masterson was employed as the Director of the Department of  
22 Public Safety for the City of Rohnert Park. In that capacity, he was ultimately responsible for the  
23 training, supervision and discipline of all police officers including members of the interdiction  
24 team. At all times mentioned herein he acted and failed to act in the course and scope of his  
25 employment and under color of state law.

26 7. Plaintiffs do not presently know the true names and capacities of defendants  
27 DOES 1 through 50, inclusive, and therefore sue them by these fictitious names. Plaintiffs are  
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informed and believe that DOES 1 through 50, and each of them, were responsible in some manner for the acts or omissions alleged herein. Plaintiffs will seek leave to amend this Complaint to add their true names and capacities when they have been ascertained.

8. In doing the acts and/or omissions alleged herein, defendants and each of them acted under color of authority and/or under color of state law, and, in concert with each other.

9. Defendants Tatum, Huffaker, Snyder, Taylor, Masterson and Does 1 through 50 conspired to achieve a common goal and/or acted in concert to achieve said goal. In doing the acts and omissions alleged herein said Defendants conspired and/or acted in furtherance of the conspiracy to: (a) unlawfully stop and detain the Plaintiffs; (b) unlawfully search their property; (c) commit robbery and extortion through a pattern of racketeering activity; and (d) obstruct justice to impede or prevent discovery of evidence and prosecution for the crimes committed in furtherance of the conspiracy.

#### STATEMENT OF FACTS

10. In or about 2012 the City of Rohnert Park Department of Public Safety created and implemented a drug interdiction team for the purpose of increasing revenue to the City coffers. The express goal was to have members of the team make traffic stops outside of city limits, in the Highway 101 corridor north of Santa Rosa, and seize marijuana and cash suspected of being associated with the illegal sale of marijuana. Approximately fifty-five percentage of the cash seized and reported would be paid to the City of Rohnert Park.

11. In or about 2014 defendants Tatum and Huffaker were assigned to the interdiction team. As a result of their unsupervised and often undocumented activities the number of reported traffic stops outside the city limits increased as did the amount of money being received by the City from the forfeiture of cash. Defendant Tatum's efforts were so successful that he was named "officer of the year" and promoted to Sergeant in 2015.

12. On November 25, 2015, **BRIAN PAYNE** was traveling southbound on Highway 101 just south of Cloverdale, carrying with him five pounds of lawfully possessed cannabis, when without legal justification he was stopped by an unknown police vehicle. Mr. Payne was directed

1 by an unidentified officer (John Doe 1) to continue to drive down the highway and to pull off at  
2 the Asti Exit, a remote and secluded portion of the roadway. Mr. Payne complied, and stopped at  
3 the bottom of the off-ramp. He was contacted at the door of his vehicle by John Doe 1 who  
4 informed him that he had been pulled over for riding the fog line, which was not true, and is not a  
5 violation of California's Vehicle Code.

6 13. John Doe 1 immediately directed Mr. Payne to exit his vehicle and began  
7 searching the vehicle without consent or other legal justification, despite Mr. Payne's  
8 protestations. Once the officer was inside Mr. Payne's vehicle, Mr. Payne informed the officer  
9 that he had five pounds of cannabis in his bag. The officer then removed the bag from Mr.  
10 Payne's truck and informed him that he would be confiscating the marijuana, this despite Mr.  
11 Payne being a lawful medical marijuana patient, lawfully possessing the cannabis. The officer  
12 then told Mr. Payne to get back in his truck and leave. Mr. Payne protested that what was  
13 happening was not right. The officer then threatened to arrest Mr. Payne for felony marijuana  
14 sales if he didn't leave, so Mr. Payne got back in his vehicle and left the scene.

15 14. Once back on the road, Mr. Payne realized that the officer had kept his driver's  
16 license, and that he had never identified himself or said what agency he was working for. Upon  
17 this realization, Mr. Payne pulled off the roadway and dialed 911 to report that he had been  
18 robbed. The 911 operator was able to confirm that officers from the Rohnert Park Department of  
19 Public Safety were performing interdiction operations in the area.

20 15. The officer failed to issue a receipt for any seized property, and issued no citation  
21 for any crime or traffic infraction to Mr. Payne.

22 16. On or about December 1, 2015, at approximately 11:00 a.m. plaintiff **JESSE**  
23 **SCHWARTZ** was a passenger in a car driven by Evan Jones travelling northbound on Highway  
24 101. For no legal reason defendant Tatum, accompanied by another officer, initiated a traffic stop  
25 near Cloverdale. Tatum was in uniform and driving a marked police vehicle. Jesse Schwartz was  
26 ordered to step out of the car and was handcuffed. Tatum then searched the car without consent  
27 or legal justification. While searching the trunk he discovered a small box containing \$55,000  
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1 that belonged to Schwartz. Tatum took the money and told Schwartz he had two options: (1) he  
2 could be arrested, taken to jail and then attempt to get the money back or (2) he could deny it was  
3 his money and avoid arrest, jail and legal proceedings. Schwartz was coerced into signing a  
4 “disclaimer” form prepared by Tatum, and was given a citation to appear in court at a later date.  
5 Tatum kept the \$55,000.

6 17. Approximately two or three days later Tatum came to Schwartz’s home without a  
7 warrant or legal cause, and persuaded his roommate to allow him to search Schwartz’s room  
8 while Schwartz was away. Later that day Schwartz was informed that his storage locker had also  
9 been searched by Rohnert Park police, also without a warrant or legal cause. None of his  
10 belongings were seized or damaged.

11 18. Approximately three months later Jesse Schwartz appeared at the Superior Court  
12 for the County of Sonoma on the day and time indicated on the citation. The District Attorney’s  
13 office had rejected his case for lack of sufficient evidence of a crime. His money was never  
14 returned.

15 19. In December of 2015, **JOSHUA SURRET** was travelling southbound on  
16 Highway 101 in the area of the Mendocino-Sonoma County line. He was travelling with twenty-  
17 six pounds of legal cannabis being delivered to a medical marijuana dispensary in Santa Cruz. As  
18 Mr. Surret approached Cloverdale, he noticed a Rohnert Park Patrol Vehicle parked on the  
19 shoulder of the northbound part of the highway. As Mr. Surret passed, the patrol vehicle darted  
20 out across the highway median and pulled alongside Mr. Surret’s vehicle. The patrol vehicle  
21 stayed alongside Mr. Surret’s vehicle for a considerable distance, then dropped behind him and  
22 initiated a traffic stop unsupported by legal cause. Mr. Surret yielded to the patrol vehicle and  
23 pulled off the side of the road.

24 20. Sergeant Tatum and Officer Huffaker got out of the police cruiser and contacted  
25 Mr. Surret at his vehicle, immediately accusing Mr. Surret of having cannabis in his vehicle.  
26 When Mr. Surret advised that he did not, the officers became increasingly aggressive, asking Mr.  
27 Surret if he was calling them liars. The officers removed Mr. Surret from his vehicle and placed  
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1 him in handcuffs. Then for the first time the officers asked him for his license and proof of  
2 insurance. Already handcuffed, Mr. Surrat told Tatum that the officer could retrieve his driver's  
3 license from his wallet located in his pants pocket. Mr. Surrat volunteered to get his insurance  
4 paperwork from his glove compartment, but Tatum told him no, that the officers would retrieve it.  
5 Mr. Surrat protested, saying that he did not give consent for the officers to enter his vehicle.

6         21. While Tatum guarded Mr. Surrat, Officer Huffaker entered his vehicle and opened  
7 the glove box, retrieving the insurance paperwork. Huffaker continued searching about the  
8 interior of the vehicle, in the center console and under the seats. He then exited the vehicle  
9 finding nothing of interest, and shrugged his shoulders at Sergeant Tatum as if to say "I guess  
10 there's nothing here." Tatum became angry and began yelling at Mr. Surrat, demanding to know  
11 where the money or marijuana was. Mr. Surrat did not reply.

12         22. On the back of Mr. Surrat's pickup truck was a camper top with tinted windows.  
13 The officers began trying to peer through the dark glass but could not see anything. They  
14 demanded to know what Mr. Surrat had in the back of his truck. Mr. Surrat informed them that it  
15 was not marijuana, and offered to retrieve the contents for them. Sergeant Tatum replied that that  
16 would not be necessary, as he opened the back of the truck without consent or legal justification.

17         23. Tatum began unloading the contents of Mr. Surrat's truck bed onto the side of the  
18 road as Mr. Surrat protested the intrusion more. Ultimately Sergeant Tatum discovered a bin  
19 filled with twenty-six pounds of cannabis. Mr. Surrat then explained that he was lawfully  
20 transporting the cannabis, and that he was in possession of all the required paperwork. Tatum told  
21 him his paperwork was invalid. Mr. Surrat said that he didn't think a judge would see it that way.  
22 In response, Tatum became enraged and told Mr. Surrat that he had two options: The officers  
23 could seize his truck, his belongings, and his marijuana and arrest him for felonies, or Mr. Surrat  
24 could surrender the cannabis and the officers would be on their way.

25         24. Mr. Surrat answered, "Obviously option B, if you put it like that." Tatum then  
26 moved very close to Mr. Surrat's face and said, "You don't tell anyone about this either. Not your  
27 lawyer, not the collective where the herb is going, no one. If we don't hear from you, you won't  
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1 hear from us. If your lawyer comes calling asking around the department or anything like that, we  
2 will come up to your property in Ukiah. I bet we could find some more felonies if we came up  
3 there, huh?”

4 25. Officer Huffaker then pulled out Mr. Surrat’s driver’s license and took a picture of  
5 it with his phone, then took a picture of Mr. Surrat’s license plate. Tatum repeated, “Do you  
6 understand me? We don’t hear from you, you don’t hear from us.”

7 26. The officers then unhandcuffed Mr. Surrat and began to pull away, leaving Mr.  
8 Surrat and the contents of his vehicle on the side of road, but then stopped as Huffaker rolled  
9 down his window and asked Mr. Surrat “What strains are in here?”

10 27. On October 3, 2016, **JASON HARRE** was traveling southbound on Highway 101  
11 north of the Mendocino-Sonoma County line, lawfully transporting thirty-four pounds of medical  
12 cannabis to a medical collective in Los Angeles when a police SUV pulled next to his vehicle and  
13 began following him. The patrol vehicle continued to follow Mr. Harre into Sonoma County,  
14 through the town of Cloverdale, ultimately initiating a traffic stop without legal justification at the  
15 Asti Exit, a remote and secluded portion of the roadway. Mr. Harre yielded to the traffic stop.  
16 Officer Huffaker and Sergeant Tatum got out of the patrol vehicle and contacted Mr. Harre at the  
17 side of his vehicle. The officers were dressed in commando-like uniforms wearing tactical vests  
18 marked “ATF” with chest holsters for their firearms. The officers advised Mr. Harre that he had  
19 not been maintaining his lane, ordered him out of his vehicle, and began peppering him with  
20 questions about whether he was transporting marijuana.

21 28. Mr. Harre denied that he was transporting marijuana. He admitted, however, that  
22 his driver’s license had been suspended for failure to pay a traffic ticket. The officers then told  
23 Mr. Harre that they would probably have to tow his truck. They again asked what they would find  
24 in his vehicle if they searched it. Mr. Harre then acknowledged that he was carrying legal  
25 cannabis, and that he had documentation for the cannabis in his vehicle.

26 29. The officers placed Mr. Harre in handcuffs and began to search the vehicle,  
27 locating the thirty-four pounds of medical cannabis. The officers told Mr. Harre that they found  
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1 no documentation for the cannabis, so Mr. Harre asked them to call the dispensary to confirm the  
2 delivery. Sergeant Tatum phoned the dispensary, and confirmed the delivery. Mr. Harre's phone  
3 then rang, and Sergeant Tatum answered. The caller was the dispensary's lawyer who confirmed  
4 the validity of the shipment.

5 30. Despite this information, the officers continued interrogating Mr. Harre, asking  
6 him questions about the techniques he used to grow the cannabis, what strains he was  
7 transporting, and other questions which Mr. Harre believed would only be relevant to a broker of  
8 marijuana looking to sell another person's product. The officers took Mr. Harre's cannabis and  
9 confiscated \$7,000 in cash, providing no receipts for either. Mr. Harre was released with a  
10 citation to appear in court.

11 31. Officer Huffaker and Sergeant Tatum submitted the case to the Sonoma County  
12 District Attorney for prosecution, but it was rejected for lack of sufficient evidence. Mr. Harre's  
13 property was never returned.

14 32. On October 18, 2016, **JACOB FORD** was driving southbound on Highway 101  
15 near the Sonoma-Mendocino County line carrying twenty-three pounds of legal cannabis. Just  
16 north of Cloverdale, Mr. Ford began being followed by a Rohnert Park Department of Public  
17 Safety Patrol SUV. He was pulled over at the Asti Exit for an expired registration. Sergeant  
18 Tatum and Officer Christopher Snyder approached Mr. Ford's vehicle and immediately asked if  
19 he was in possession of cannabis. Mr. Ford acknowledged that he was in possession of legal  
20 cannabis, that it was secured and properly marked and barcoded in compliance with state law.

21 33. The officers ordered Mr. Ford out of his vehicle and began asking him questions  
22 about what strains of marijuana were in his possession. The officers then told him he had a  
23 choice: he could surrender the cannabis to them and he would be free to go on his way, or they  
24 would arrest him for a felony. Mr. Ford protested that what the officers were doing was wrong,  
25 and stated that he would rather go to court than lose the cannabis. As a result, Mr. Ford was  
26 arrested and cited for felony sales, transportation, and conspiracy. Mr. Ford was cited to appear in  
27  
28



1 court on February 17<sup>th</sup>. The officers searched his vehicle without legal justification and  
2 confiscated the marijuana.

3 34. Mr. Ford immediately contacted his attorney in an attempt to reclaim the stolen  
4 cannabis. Mr. Ford's attorney contacted the Rohnert Park Department of Public Safety and  
5 demanded the cannabis be preserved, but according to the Department, the cannabis had already  
6 been destroyed, notwithstanding the fact that Mr. Ford's court date had not yet arrived, and no  
7 disclaimer of ownership had been signed.

8 35. On February 17, 2017, Mr. Ford appeared in Sonoma County Superior Court, but  
9 there was no record of his arrest before the court, and no report had been received by the  
10 prosecutor's office. His property was never returned.

11 36. On December 29, 2016, Huedell Freeman was traveling southbound on Highway  
12 101 near Cloverdale transporting 47 pounds of legal cannabis. He was subjected to a pre-textual  
13 traffic stop by Brendan Jacy Tatum and Joseph Huffaker. After confirming that the marijuana  
14 was being lawfully transported to the Higher Path dispensary in southern California, Tatum and  
15 Huffaker took possession of the marijuana and issued a citation to Freeman for possession of  
16 marijuana. Freeman was notified before his first court appearance that the marijuana had been  
17 destroyed though a destruction order was never filed. Mr. Freeman's case is pending in this  
18 court. *Freeman v. City of Rohnert Park*, Case No. 18-cv-7661 HSG.

19 37. On December 5, 2017, Ezekial Flatten was traveling southbound on Highway 101  
20 near the Mendocino-Sonoma County border transporting three pounds of legal cannabis. He was  
21 subjected to an unlawful traffic stop by Joseph Huffaker and another unknown officer. The  
22 officers proceeded to unlawfully search his vehicle and discovered the marijuana in a sealed  
23 cardboard box. Mr. Flatten was informed that the two men posing as officers were with the ATF.  
24 They left the scene without identifying themselves or issuing a citation. Mr. Flatten's case is  
25 presently pending in this court. *Flatten v. City of Rohnert Park*, Case No. 18-cv-6964 HSG.

26 38. On or about February 13, 2018, in furtherance of their conspiracy to commit thefts,  
27 robberies, extortion, tax evasion, money laundering and obstruction of justice (all are RICO  
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predicate crimes) defendant Tatum fabricated and caused publication of a false and fraudulent “Press Release” (the “press release”) by and on behalf of the Rohnert Park Department of Public Safety. In violation of 18 USC 1512(b) Tatum’s “press release” falsely claimed inter alia: (1) the theft, robbery and extortion committed against Ezekiel Flatten was “...a traffic enforcement stop...”; (2) the interrogation of Flatten—identified as “the driver” of the stopped vehicle—was “...an attempt to identify the owners of the cannabis the driver possessed...”; and (3) “The officers...believed [the driver] was involved in illegal black market cannabis and acting unlawfully.” Tatum’s false statements in and publication of the “press release” constituted a corrupt endeavor to influence, delay or prevent the testimony of Flatten, the plaintiffs herein, and other yet to be identified victims of Tatum’s and his co-conspirators’ racketeering activities.

#### STATEMENT OF DAMAGES

39. As a result of defendants’ conduct, plaintiffs sustained economic damages and consequential damages.

40. As a result of defendants’ conduct, plaintiffs sustained and will continue to sustain damages to their careers, reputations, future and prospective earning capacities and wages, and prospective economic opportunities and advantages in an amount determined according to proof.

41. As a further result of defendants’ conduct, plaintiffs suffered and will continue to suffer general damages including fear, anxiety, humiliation, and emotional distress in an amount to be determined according to proof.

42. The actions of Defendants Brendan Jacy Tatum, Joseph Huffaker, Christopher Snyder, Jeffrey Taylor, Brian Masterson and Does 1-50 were willful, wanton, reckless, malicious, oppressive and/or done with a conscious or reckless disregard for the rights of plaintiffs, who seek punitive and exemplary damages according to proof.

43. Plaintiffs have retained private counsel to represent them in this matter and are entitled to an award of attorneys’ fees.

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**FIRST CAUSE OF ACTION**  
**[18 USC §§ 1962(c) and (d)] – RICO AS AGAINST**  
**DEFENDANTS TATUM, HUFFAKER, SNYDER, TAYLOR, MASTERSON AND DOES 1-50]**

44. Plaintiffs hereby incorporates paragraphs 1 through 43 as though set forth in full.

45. Plaintiffs allege causes of action against all defendants (excepting the City of Rohnert Park) based on 18 USC § 1962(c) and (d) for conducting and conspiring to conduct, respectively, the affairs of an enterprise through a pattern of racketeering activity by which Plaintiffs have been injured in their businesses and properties.

46. Jurisdiction and venue are provided by 18 USC 1964(c) and 28 USC 1391, respectively.

47. The “enterprise” (18 USC 1961(4)) through which defendants conducted their racketeering activities is the Rohnert Park Department of Public Safety.

48. The numerous predicate crimes committed by defendants causing injuries to plaintiffs and others include: (1) extortion (18 USC 1951(b)(2)); (2) obstruction of justice (18 USC 1512(b)(1)); (3) money laundering (18 USC 1956 (a)(1)(A)(i) and(a)(1)(B)(i)); and (4) money laundering by tax fraud (26 USC 7206) and evasion (26 USC 7201 and 18 USC 1956(a)(1)(A)(ii)).

49. The numerous predicate crimes committed by defendants causing injuries to plaintiffs and others also include California state law crimes: (1) grand larceny (Cal. Penal Code § 487); and (2) extortion (Cal. Penal Code § 518) incorporated by 18 U.S.C. § 1961(1)(A) into actionable "racketeering activity," i.e. ". . . any act or threat involving . . . robbery . . . extortion . . . which is chargeable under State law and punishable by imprisonment for more than one year;"

50. Defendants Tatum and Huffaker conducted financial transactions with the proceeds of extortion with intent to promote their continuing racketeering and with the intent to violate 26 USC 7201 and/or 7206 by filing false and fraudulent income tax returns omitting the income from their robberies and extortionate seizures of cash and proceeds of the cannabis sold after acquiring it by theft and extortion. Furthermore, defendants Tatum and Huffaker conducted financial transactions to conceal or disguise the nature, source, ownership and control of the proceeds of their thefts and extortion, including the purchase of personal property such as boats,

1 automobiles, and household goods with the unreported cash, as well as the purchase of real  
 2 property. This real property was then improved through the injection of more unreported cash,  
 3 with the design to later sell it at a substantially increased price, thereby laundering the proceeds of  
 4 the criminal enterprise.

5 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

6 **SECOND CAUSE OF ACTION**  
 7 **(42 U.S.C. §1983 CUSTOM AND PRACTICE AS AGAINST**  
 8 **THE CITY OF ROHNERT PARK)**

9 51. Plaintiffs hereby incorporate paragraphs 1 through 50 as though set forth in full.

10 52. The custom and practice of the Interdiction Team, including defendants Tatum  
 11 and Huffaker, was to conduct unlawful stops and unlawful searches for the purpose of stealing  
 12 cannabis and/or cash in addition to lawful activities. Between 2014 and 2017, defendants Tatum  
 13 and Huffaker conducted hundreds of stops and unlawful searches, outside of the city limits, while  
 14 personally enriching themselves from the thefts of marijuana and cash.

15 53. The custom and practice and racketeering activities alleged herein were  
 16 authorized, encouraged and condoned by Defendants Brian Masterson, as Director of the  
 17 Department of Public Safety, and Jeffrey Taylor, as the Commander of the Interdiction Team.  
 18 They failed to adopt, maintain and implement policies consistent with contemporary law  
 19 enforcement standards. For example: (1) members of the interdiction team were not required to  
 20 report when they were on duty and engaged in interdiction activities outside of the city limits; (2)  
 21 members of the interdiction team were not required to report to dispatch or a supervisor when and  
 22 where they conducted a traffic stop; (3) members of the interdiction team had the discretion to (a)  
 23 take possession of marijuana and/or cash without documenting the event, or (b) falsely document  
 24 the amount of marijuana and/or cash taken into custody; (4) members of the interdiction team  
 25 were not required to document a chain of custody regarding marijuana and/or cash taken from  
 26 subjects; and (5) members of the interdiction team were not required to comply with policies  
 27 regarding the recovery and submission of marijuana into evidence or its ultimate destruction.  
 28

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

1. For compensatory damages according to proof;
2. For general damages according to proof;
3. For an award of punitive and exemplary damages against individual defendants according to proof;
4. For costs and attorneys' fees pursuant to 42 USC 1988;
5. For treble damages, costs, and reasonable attorneys' fees pursuant 18 USC 1964(c);
6. For such other relief as the Court may deem proper.

Plaintiffs hereby request a jury trial on all issues so triable.

**SCHWAIGER LAW FIRM**

/s/ Izaak D. Schwaiger  
Izaak D. Schwaiger  
Attorney for Plaintiffs

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
  
Brian Payne, Jesse Schwartz, Josh Surrat, Jason Harre, and Jacob Ford  
  
**(b)** County of Residence of First Listed Plaintiff SONOMA  
(EXCEPT IN U.S. PLAINTIFF CASES)  
  
**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
John Houston Scott, SBN 72578; 1388 Sutter Street,  
Suite 715, San Francisco, CA 94109; (415) 561-9601

**DEFENDANTS**  
City of Rohnert Park, Brendan Jacy Tatum, Joseph Huffaker, Christopher Snyder,  
Jeffrey Taylor, Brian Masterson, and DOES 1-50, inclusive  
  
County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)  
  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.  
  
Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)  
  
☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)  
  
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice  <b>CIVIL RIGHTS</b> 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities-- Employment 446 Amer. w/Disabilities--Other 448 Education	<b>PERSONAL INJURY</b> 365 Personal Injury -- Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability  <b>PRISONER PETITIONS</b>  <b>HABEAS CORPUS</b> 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty  <b>OTHER</b> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-- Conditions of Confinement	625 Drug Related Seizure of Property 21 USC § 881 690 Other  <b>LABOR</b> 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157  <b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 835 Patent--Abbreviated New Drug Application 840 Trademark  <b>SOCIAL SECURITY</b> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS--Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)  
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation--Transfer ☐ 8 Multidistrict Litigation--Direct File

**VI. CAUSE OF ACTION**  
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 U.S.C. Section 1962(c)(d)  
Brief description of cause:  
RICO Act and Monell Liability

**VII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. **DEMAND \$**  **CHECK YES only if demanded in complaint:**  
**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S), IF ANY** (See instructions): JUDGE Haywood S. Gilliam, Jr. DOCKET NUMBER 18-cv-06964 and 18-cv-07661

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**  
(Place an "X" in One Box Only) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE 08/16/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ John Houston Scott